

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

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The Development of Operational,
Technical and Spectrum Requirements
For Meeting Federal, State, and Local
Public Safety Agency Communication
Requirements Through the Year 2010

WT Docket No. 96-86

Establishment of Rules and Requirements
For Priority Access Service

Comments of the Major Cities Police Chiefs Association

The Major Cities Police Chiefs Association ("Major Cities Chiefs Association") hereby submits its comments in response to the Second Notice of Proposed Rulemaking issued by the Commission in the above-captioned proceeding.¹ As discussed in greater detail below, the Major Cities Chiefs Association strongly supports the on-going efforts of Congress and the Commission to help address the communications crisis faced by the nation's police and other public safety service providers. In most major metropolitan areas, extreme spectrum short-falls threaten the safety of police officers and other public safety officials and seriously compromise the ability of metropolitan police, fire, and rescue agencies to protect life and property. It is, therefore, crucial

¹ *The Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communications Requirements Through the Year 2010, Establishment of Rules and Requirements For Priority Access Service, WT Docket No. 96-86, FCC 97-373 (rel. Oct. 24, 1997).*

that the FCC move as rapidly as possible to ensure that additional spectrum is made available for public safety use.

The Major Cities Chiefs Association is a professional association of police executives from the largest cities in the United States and Canada. The association provides a forum for urban police chiefs, sheriffs, and other law enforcement chief executives to discuss common problems encountered in the effort to protect and serve cities with populations in excess of 500,000 people.

As the Commission is aware, a serious problem currently facing large urban centers is the shortage of spectrum needed to permit police, fire, rescue, and countless other public safety responders to communicate effectively. These entities depend on instantaneous access to clear, reliable communications systems in order to respond to crises, request assistance, and carry out their day-to-day functions. As recently noted by Attorney General Janet Reno, "[t]he safety of all Americans depends on the ability of law enforcement officials to communicate quickly and very effectively with each other."² The Attorney General captured the impact of the spectrum shortages gripping most major metropolitan areas when she explained that:

... in an emergency, minutes can save lives. But in many urban areas, public safety frequencies are becoming congested. New technologies can transmit mug shots and fingerprints instantaneously – but only if more frequency space is available for state and local law enforcement. And in a crisis, the limited frequencies now available hamper the ability of federal, state and local agencies to coordinate their efforts when lives are on the line. For example, rescue efforts at the World Trade Center were hindered when police and fire fighters one floor apart could not talk to each other. In Oklahoma City, agencies had to briefly resort to runners to communicate after the Murrah building was bombed.³

² Frank Shafroth, *Reno Announces Spectrum Policy*, Nation's Cities Weekly, Feb. 10, 1997, at 1 (No. 6, Vol. 20).

³ *Id.*

The problems presented by the lack of an adequate supply of spectrum to support police, fire, rescue, and other public safety communications needs – and the resultant threat posed to the public – are discussed in detail in the Final Report of the Public Safety Wireless Advisory Committee (“PSWAC”)⁴ and need not be reiterated at length here. Suffice it say that the spectrum crisis described in the PSWAC Final Report has not abated. In most urban centers, congestion, the inability to facilitate inter-system interoperability, and the existence of old, out-dated radio equipment continue to plague the effectiveness of law enforcement and other public safety personnel. These same problems also put the safety of the nation’s police, fire, and rescue forces at great risk.

To address these problems, it is crucial that the FCC move as rapidly as possible to facilitate the release of additional spectrum for use by police departments and other public safety entities. As part of the long-term effort to ensure the adequacy and effectiveness of public safety communications, the FCC should also endeavor to ensure that the full panoply of key recommendations advanced in the PSWAC Final Report are implemented. In particular, based on a comprehensive examination of the needs and problems facing the nation’s public safety agencies, PSWAC recommended, among other things, that the FCC: (i) allocate 2.5 MHz of spectrum primarily below 500 MHz for interoperability purposes, (ii) allocate 25 MHz to public safety for short term needs, and (iii) commit to provide an additional 70 MHz in the 5-15 year time-frame for public safety use. In addition, to help overcome the extreme shortage of funds preventing the public safety community from being able to finance new equipment purchases and system

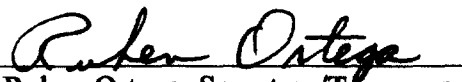
⁴ PSWAC, Final Report of the Public Safety Wireless Advisory Committee to the Federal Communications Commission and the National Telecommunications and Information Administration, Sept. 11, 1996.

upgrades, PSWAC suggested that the FCC facilitate greater use of shared public safety/public service systems – that is, adopt rules and policies that will encourage several agencies across multiple jurisdictions and multiple discipline areas to join together and pool their resources so that they can build a single, upgraded infrastructure that they share and use together.

The Major Cities Chiefs Association strongly supports these recommendations and urges the Commission to continue down a path that will result in the implementation of the key proposals set forth in the PSWAC Final Report. As an important first step, the Commission should promptly formulate service rules to govern public safety operations in the 24 MHz of spectrum between 746-806 MHz dedicated by Congress for public safety use. In addition, it is essential that the Commission ensure that broadcast use of channels 60-69 is phased out in the most expeditious manner. In this connection, the FCC should also guarantee that extensions for broadcast operations in these channels are not given out. Finally, the Commission should take every effort to ensure that the public safety community has access to advanced communications systems and sufficient spectrum to support emerging technologies that enhance the ability of the public safety community to protect and serve the citizens of our country.

Respectfully submitted,

The Major Cities Police Chiefs Association

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Dated: December 22, 1997